



13879

#12

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of:) Group Art Unit: 3738
)
Valdemar PORTNEY) Examiner: Willse, David H.
)
SERIAL NO.: 10/058,592 ✓)
)
FILED: January 28, 2002 ✓)
)
FOR: IRIS FIXATED INTRAOCULAR)
LENS SUITABLE FOR USE WITH)
ATTACHING INSTRUMENT) Mailed: November 24, 2003
_____)

TERMINAL DISCLAIMER

Assistant Commissioner for Patents
Washington, D. C. 20231

Dear Sir:

01/14/2004 DBROOKS 00000002 192090 10058592
01 FC:1814 110.00 DA

Petitioner, Valdemar Portney, is the owner of one hundred percent interest in United States Patent Application 10/058,592 and is the owner of United States Patent No. 6,152,959.

The petitioner hereby disclaims, except as provided below, the terminal part of the statutory term of any patent granted on the instant application, which would extend beyond the expiration date of the full statutory term defined in 35 U.S.C. 154 to 156 and 173 as shortened by any terminal disclaimer of prior Patent No. 6,152,959. The owner hereby agrees

that any patent so granted on the instant application shall be enforceable only for and during such period that it and the prior patent are commonly owned. This agreement runs with any patent granted on the instant application and is binding upon the grantee, its successors or assigns.

In making the above disclaimer, petitioner does not disclaim the terminal part of any patent granted on the instant application that would extend to the expiration date of the full statutory term as defined in 35 U.S.C. 154 to 156 and 173 of the prior patents, as shortened by any terminal disclaimer filed prior to the patent grant, in the event that it later: expires for failure to pay a maintenance fee, is held unenforceable, is found invalid by a court of competent jurisdiction, is statutorily disclaimed in whole or terminally disclaimed under 37 CFR 1.321, has all claims canceled by a reexamination certificate, is reissued, or in any manner terminated prior to the expiration of its full statutory term as shortened by any terminal disclaimer.

The undersigned is empowered to act on behalf of the Petitioner.

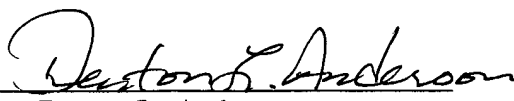
I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so

made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

Respectfully submitted,

SHELDON & MAK

Dated: November 24, 2003

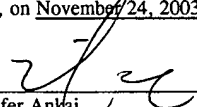
By 
Denton L. Anderson
Reg. No. 30,153

225 S. Lake Avenue - 9th Floor
Pasadena, California 91101
(626) 796-4000

I hereby certify that this correspondence is being deposited with the U.S.
Postal Service as First Class Mail in an envelope addressed to: Assistant
Commissioner for Patents, Washington, D.C. 20231, on November 24, 2003.

Signed: November 24, 2003

By:


Jennifer Ankai
Legal Assistant to Denton L. Anderson